

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

KAMIL PASTUSZKA,	)	
	)	
Plaintiff,	)	
	)	
V.	)	No. FILED: JUNE 10, 2008
	)	08CV3345
KENNETH P. MCNALLY, MIKE REPPE,	)	JUDGE CASTILLO
and BAR CHICAGO, an Illinois	)	MAGISTRATE JUDGE ASHMAN
Corporation,	)	EDA
	)	
Defendants.	)	

**COMPLAINT AT LAW**

Now comes the Plaintiff, KAMIL PASTUSZKA, by and through his attorney, JOHN W. MOORE, and complains of the Defendants, CHICAGO POLICE OFFICER KENNETH P. MCNALLY and MIKE REPPE, as follows:

**JURISDICTION**

1. Jurisdiction of this Court is invoked under the Fourth Amendment to the United States Constitution, Section 1 of the Fourteenth Amendment to the United States Constitution, Title 28, United States Code Sections 1331, 1343, and 1367; Title 42 United States Code Section 1983; and the principles of pendant and ancillary jurisdiction.

**VENUE**

2. Venue is in this district because the cause of action arose in this district and because Defendants were employed in this district when the cause of action arose.

**PARTIES**

3. The Plaintiff, KAMIL PASTUSZKA, is a citizen of Poland and a permanent resident of Canada.

4. Defendant KENNETH P. MCNALLY was, at all times relevant to this action, a police officer for the Chicago Police Department in Illinois and acting under color of state law.

5. Defendant MIKE REPPE was, at all times relevant to this action, an employee of Bar Chicago, located at 9 West Division Street in Chicago, Cook County, Illinois.

6. Defendant BAR CHICAGO is an Illinois Corporation licensed to do business in the City of Chicago and located at 9 West Division Street in Chicago, Cook County, Illinois.

### **FACTS**

7. On June 11, 2006, at approximately 12:30 a.m., Defendant MIKE REPPE was employed and working as a bouncer at 9 West Division Street in Chicago for his employer Defendant BAR CHICAGO.

8. At the aforementioned date and time, Plaintiff was a patron of Defendant BAR CHICAGO.

9. At the aforementioned date and time, Defendant MIKE REPPE forcefully removed Plaintiff from the premises and caused bodily harm to Plaintiff.

10. Defendant MIKE REPPE then contacted the Chicago Police Department.

11. On June 11, 2006, at approximately 12:30 a.m., Defendant KENNETH P. MCNALLY was on duty as a Chicago Police Officer in the vicinity of 9 West Division Street.

12. At the aforementioned date and time, Defendant KENNETH P. MCNALLY appeared on the street in front of 9 West Division Street in Chicago and struck Plaintiff and caused bodily harm to Plaintiff.

13. Defendant KENNETH P. MCNALLY then arrested Plaintiff.

**COUNT I**

**SECTION 1983 ACTION**

14. Plaintiff realleges and incorporates by reference paragraphs 1 through 13 of this Complaint at Law as if fully set forth herein.

15. When arresting Plaintiff, Defendant KENNETH P. MCNALLY used excessive and unwarranted force against Plaintiff.

16. By these actions, the Defendant has violated 42 U.S.C. §1983.

WHEREFORE, the Plaintiff requests the following relief:

- a. Compensatory damages;
- b. Punitive damages;
- c. Reasonable attorney fees and costs; and
- d. Such other and further relief as appears reasonable and just.

**COUNT II**

**BATTERY**

17. Plaintiff realleges and incorporates by reference paragraphs 1 through 13 of this Complaint at Law as if fully set forth herein.

18. When Defendant MIKE REPPE forcefully removed Plaintiff from the premises such removal was without legal justification and caused bodily harm to Plaintiff.

WHEREFORE, the Plaintiff requests the following relief:

- a. Compensatory damages;
- b. Punitive damages;
- c. Reasonable attorney fees and costs; and
- d. Such other and further relief as appears reasonable and just.

**COUNT III**

**RESPONDEAT SUPERIOR**

19. Plaintiff realleges and incorporates by reference paragraphs 1 through 13 of this Complaint at Law as if fully set forth herein.

20. At all times relevant to this complaint, Defendant MIKE REPPE was employed by Defendant BAR CHICAGO and was acting in the scope of his employment.

21. At all times relevant to this complaint Defendant BAR CHICAGO authorized the actions of Defendant MIKE REPPE against Plaintiff.

WHEREFORE, the Plaintiff requests the following relief:

- a. Compensatory damages;
- b. Punitive damages;
- c. Reasonable attorney fees and costs; and
- d. Such other and further relief as appears reasonable and just.

**JURY DEMAND**

22. Plaintiff demands a trial by jury.

**KAMIL PASTUSZKA**

By: /s/ John W. Moore  
One Of His Attorneys

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